

# EXHIBIT R

**DECLARATION OF [REDACTED]**

I, [REDACTED], declare as follows:

1. I am the Executive Director of the [REDACTED] a nonprofit in [REDACTED]. The [REDACTED] is a member of Plaintiff National Council of Nonprofits.

2. I co-founded the [REDACTED] in 2020. Our organizational mission is to study and protect old trees and ancient forests, especially giant sequoias. We are an affiliate member of the [REDACTED], so we work with all of the landowners across the Sierra Nevada whose property has sequoia groves. Our work is aimed at assisting the National Parks and other landowners with the conservation and protection of trees and forests.

3. My specialty is canopy science. We climb these massive trees and make measurements, collect samples, and install sensors in the canopies to help us (and other scientists) understand the impact of climate change, drought, and fire—and how to protect these trees. We also collect cones from the trees for reforestation efforts and genetic seed banking.

4. We are primarily funded by federal grants through a Cooperative Agreement with the National Park Service. We have ten different accounts in ASAP.gov, which is the payment portal we use to draw down funds from those grants. Some of these funding lines are from the Inflation Reduction Act or the Infrastructure Investment and Jobs Act, and some (our Disaster Relief funds) are

not. As of January 24, 2025, we had a total cumulative authorization of about \$2.159 million.

5. One of our funding lines from the Inflation Reduction Act is a grant for \$210,000 to start a giant sequoia bark beetle monitoring project. This grant is from the Department of the Interior, through the National Park Service.

6. The bark beetle monitoring project is important because it will fill a major informational gap on the status of bark beetle attacks on giant sequoias. Fire damage and drought have made giant sequoias weakened and vulnerable to beetle attack, where they are normally able to resist. So this is an emerging threat: a number of trees have already been attacked and killed.

7. These iconic trees are irreplaceable. There are so few of them: there are only approximately 25,000 acres of mature giant sequoias in the world—and new estimates suggest that about 20% have been killed by fire since 2015. We can't afford to lose any more of these trees: every single one matters.

8. The bark beetle monitoring project is therefore a major threat that all land managers with giant sequoias are concerned about, but there is currently no systematic tracking of which trees have been attacked and the extent of the problem. Our project is an attempt to systematically track beetle attack over time to understand the severity and develop a strategy to counteract. Because we work across different land management agencies and jurisdictions, we can develop an understanding throughout the range, sharing information with land managers to

reduce the threat. This is an intensive project that will require tracking, mapping, and climbing individual trees to monitor bark beetle activity.

9. Because bark beetles are in the process of attacking trees even now, this project cannot be delayed. But if we are not able to start the project very soon, we will likely have to postpone it until next year: summer is the field season, and it is already very late in the calendar year to plan and hire for that work.

10. Unfortunately for us—and the giant sequoias—it is likely that we will have to postpone this project, because this funding line has been frozen, and we are not able to access it.

11. On January 27, I saw in the news that federal funds might be frozen. I had been preparing some invoicing for payments, so I tried to submit them on January 29. When I tried to do so, I was prevented from accessing our funds in ASAP.gov. ASAP.gov displayed a screen showing that the funds had been frozen on January 24.

12. On January 31, I received the following message from our awarding officer: “Effective 1/30/25: In accordance with M-25-14, which rescinded M-25-13 and the rescission of the associated DOI PGM PAN, NPS has begun to remove the hold on all financial assistance ASAP accounts to restore availability of funds for recipient draw down with the exception of NPS FA agreements that include BIL or IRA funding. While many NPS FA ASAP accounts are now available we expect it to take a couple days to restore all applicable ASAP availability.” On February 4, I received an identical message.

13. I understand from our government partners that they believe our IRA funds are still frozen under the authority of OMB Memo M-25-11. This does not make sense to me. OMB Memo M-25-11 specifically says that “[t]he directive in section 7 of the Executive Order entitled *Unleashing American Energy* requires agencies to immediately pause disbursement of funds appropriated under the Inflation Reduction Act of 2022 (Public Law 117-169) or the Infrastructure Investment and Jobs Act (Public Law 117-58). This pause only applies to funds supporting programs, projects, or activities that may be implicated by the policy established in Section 2 of the order.” It also says that “[f]or the purposes of implementing section 7 of the Order, funds supporting the ‘Green New Deal’ refer to any appropriations for objectives that contravene the policies established in section 2.”

14. I went back and re-read section 2 of the *Unleashing American Energy* Executive Order, and it says that it is the policy of the United States: (a) “to encourage energy exploration and production on Federal lands and waters”; (b) “to establish our position as the leading producer and processor of non-fuel minerals”; (c) “to protect the United States’ economic and national security and military preparedness by ensuring that an abundant supply of reliable energy is readily accessible”; (d) “to ensure that all regulatory requirements related to energy are grounded in clearly applicable law”; (e) “to eliminate the ‘electric vehicle (EV) mandate’”; (f) to safeguard the American people’s freedom to choose from a variety of goods and appliances; (g) “to ensure that the global effects of a rule, regulation, or

action shall, whenever evaluated, be reported separately from its domestic costs and benefits”; (h) “to guarantee that all executive departments and agencies provide opportunity for public comment and rigorous, peer-reviewed scientific analysis”; and (i) “to ensure that no Federal funding be employed in a matter contrary to the principles outlined in this section, unless required by law.”

15. I do not see how monitoring bark beetle attacks on giant sequoias in order to better protect these national treasures could possibly contravene any of those policy objectives.

16. Not being able to access these funds is incredibly harmful for the [REDACTED] and for scientific progress more generally.

17. We were about to hire a new full-time employee to start March 1, funded by this IRA grant, to work on the bark beetle monitoring project. We had to hold off, and if the funds aren’t unfrozen, we cannot hire them. We also had planned to hire up to six part-time contract tree climbers to assist with this project, but cannot do this without this funding.

18. We have only four full-time employees, so adding a fifth would have made a big difference to our capacity. Although the bulk of their work would have been leading the bark beetle effort, in such a small organization, everyone pitches in and contributes to every project. Not having a fifth employee has a meaningful impact on the amount of work we are able to do to fulfill our mission.

19. In addition to the harms that the [REDACTED] will experience, I am worried about the consequences for the trees themselves. Without

the information we are able to provide, parks will not be able to manage them as well.

20. The fifth employee we planned for would have been able to pitch in on projects like maintaining sensors we've installed to study drought impacts on these trees, and to help complete our cone collection before the cones burn in a wildfire, forever losing the genetic components of unique groves.

21. Partners and researchers rely on our data for their own research, and so halting our data collection will have cascading impacts on their scientific progress as well.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 8, 2025, in

[REDACTED]

[REDACTED]

[REDACTED]